

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
(ALEXANDRIA DIVISION)**

MICHAEL N. HANDBERG,

Plaintiff/Creditor,

v.

THE MORGAN CENTER, INC.,

and

NORTHERN VIRGINIA ADVOCACY
COUNSELING, INC.

Defendants/Debtors.

Chapter 7
Case No. 1:19-KHK-13278
Consolidated Cases
Hon. Klinette H. Kindred

MOTION FOR CONTINUANCE OF OBJECTIONS HEARING

J. Chapman Petersen, VSB #37225
David L. Amos, VSB #87271
CHAP PETERSEN &
ASSOCIATES, PLC
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Counsel for Michael Handberg

COMES NOW the Plaintiff/Creditor, Michael Handberg (“Mr. Handberg”), by counsel, who hereby states the following in support of his Motion For Continue of the Objections Hearing currently set for August 25, 2020:

FACTS

1. On April 10, 2020, Campbell Flannery, P.C. (the “Firm”) filed Claim #3 for an amount of \$80,755.61 (“Claim #3-1”).
2. On May 8, 2020, Mr. Handberg filed an objection to Claim #3-1. ECF No. 45.
3. On June 25, 2020 the Firm filed an Amended Claim for an amount of \$78,423.11 (“Claim #3-2”).
4. In connection with Claim #3-2, the Firm filed a Supplement to the Proof of Claim. *See ECF Docket No. (“ECF No.”) 53.*
5. On June 25, 2020, the Firm filed a Notice of Hearing in connection with the objection filed by Mr. Handberg (ECF No. 45), setting the objections hearing for August 4, 2020 (the “Objections Hearing”). ECF No. 54.
6. Since then, the matter has been reassigned to the Honorable Klinette H. Kindred. ECF No. 55.
7. On July 22, 2020, the Court issued an order continuing the Objections Hearing to August 25, 2020. ECF No. 57.
8. Prior to the issuance of that order, undersigned counsel had a pretrial hearing scheduled in a separate matter in Loudoun County Circuit Court already set for August 25, 2020.
9. On August 14, 2020, Mr. Handberg, by counsel, filed a Motion for Rule 2004 Examination of the Firm and a Memorandum in Support of the Motion. ECF Nos. 59-60.

10. Undersigned counsel's associate sought the consent of the Firm and the Trustee in this matter to have the Objections Hearing continued to that it could first conduct a Rule 2004 Examination.

11. The Firm refused to consent to the continuance and requested that it be deposed as soon as this Thursday, August 20, 2020.¹

LAW

12. "A motion for a continuance is within the district court's discretion; the court's decision is reviewed for abuse of that discretion." *Berry v. Gutierrez*, 587 F.Supp. 2d 717, 722 (E.D. Va. 2008) (citing *United States v. Speed*, 53 F.3d 643, 644 (4th Cir. 1995)).

ARGUMENT

13. Given the Supplement to the Proof of Claim (Claim #3-2), the supporting documents thereto (ECF No. 53), the pending Motion for Rule 2004 Examination of the Firm (ECF Nos. 59-60), and undersigned counsel's obligation to appear in another matter prior to the issuance of the continuance order (ECF No. 57), good cause exists to continue the Objections Hearing until the Motion for Rule 2004 Examination is ruled upon and, subject to this honorable court's ruling, the examination is conducted.

¹ However, undersigned counsel is in a special session before the General Assembly in Richmond, Virginia until at least the close of business this Thursday, August 20, 2020. Further, undersigned counsel has another federal hearing set for this Friday, August 21, 2020, in the Eastern District of Virginia (Alexandria Division), a final pretrial conference set for Monday, August 24, 2020, a trial set for Wednesday, August 26, 2020, another trial set for Thursday, August 27, 2020, and motions set for Friday, August 28, 2020, all of which matters undersigned counsel is intimately involved with. Due to the aforementioned obligations, undersigned counsel cannot be available at least until the week of Monday, August 31, 2020.

WHEREFORE, for the foregoing reasons, Michael Handberg respectfully requests that the Court grant this Motion to Extend by setting the Objections Hearing for either September 29, 2020 or October 20, 2020 and for such other and further relief as this Court deems necessary.

Dated: August 18, 2020

Respectfully submitted,
Michael N. Handberg
By Counsel

By: /s/ J. Chapman Petersen
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Counsel for Michael Handberg

CERTIFICATE OF SERVICE

I hereby certify that on this 18 day of August 2020, I hereby filed the foregoing with the Court's CF/ECF system, thereby causing a copy of this foregoing document to be served upon the registered participants:

/s/ J. Chapman Petersen
J. Chapman Petersen